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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,170	01/24/2002	Scott A. Garver	GRD0186.US	9483

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,170

Applicant(s)

GARVER, SCOTT A.

Examiner

Ruth C. Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group II in Paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 1-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

Claim Objections

3. Claims 10-12 and 18 are objected to because of the following informalities:
 - Claims 10 and 11 recite the limitation "said at least one rib" in the first line. There is insufficient antecedent basis for this limitation in the claim.
 - Claim 18 recites the limitation "said head" in the third line. There is insufficient antecedent basis for this limitation in the claim.
 - Claim 20, line 1, "hinge" should be replaced with --hinged--.Correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bingold (US 5,398,383).

A tie (100) comprises a head (104) and an elongated strap (14') having opposing sides and an end (Figs. 10-17). The end is attached to the head and at least one side having at least two longitudinally extending ribs (130,132,134,138) (Figs. 10-13).

The ribs (130,132,134) extend a substantial portion of a length of the corresponding side (Figs. 10-13).

The at least two longitudinally extending ribs comprise a plurality of ribs on at least one side and the plurality of ribs are substantially parallel with each other (Figs. 10-13).

The at least two longitudinally extending ribs comprise two ribs (138) on one the side and three ribs on an other the side (130,132,134).

The three ribs on the side include serrations (Fig.11).

6. Claims 8-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Scott et al. (US 5,031,943).

A tie (10) comprises a head (14) and an elongated strap (12) having opposing sides and an end (Figs. 1-7). The end is attached to the head and at least one side having at least two longitudinally extending ribs (22,13,15).

The ribs extend a substantial portion of a length of the corresponding side (Fig. 1).

The at least two longitudinally extending ribs comprise a plurality of ribs on at least one side and the plurality of ribs are substantially parallel with each other (Fig. 1).

The at least two longitudinally extending ribs comprise two ribs (22) on one the side and three ribs (22,13,15) on an other the side (Figs. 1-3).

The three ribs (22,13) on the side include serrations.

A tie (10) comprises an elongate strap (12) and a head (14). The strap has opposing sides, an end and a plurality of serrations (Figs. 1-7). The head is attached to the end (Fig. 1). The head includes a locking slot (30) receiving the strap and the locking slot includes opposing walls (Figs. 1-5 and 7). Each the wall includes at least one locking tooth (34,36) (Figs. 2, 4 and 5).

The serrations include one of projections and recesses (Figs. 1-3 and 6).

The at least one side has at least one longitudinally extending rib (22,15). At least one the rib (22) includes serrations on the rib (Figs. 1-3 and 6).

7. Claims 18-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Wells (US 3,717,906).

An electrical tie (11) comprises an elongated strap (13) and a head (15). The strap has a longitudinal extension, opposing sides and an end (Figs. 1-9). At least one the side includes serrations (Figs. 1-5). The head is attached to the end (Figs. 1-3 and 6-9). The head includes a locking slot (43) for receiving the strap therein and interconnecting with the serrations (C. 2, L. 57-67 and C. 3, L. 1-3). A hinge section (75) allows hinged movement of the head in a direction transverse to the longitudinal extension (C. 3, L. 22-31 and Figs. 6 and 7).

The hinged section comprises a thinned section (Figs. 6 and 7).

The hinged section allows hinged movement of the head in a direction generally perpendicular to the longitudinal extension (C. 3, L. 22-31 and Figs. 6 and 7).

An electrical tie (11) comprises an elongated strap (13) and a head (15). The elongated strap has opposing sides and an end (Figs. 1-9). At least one side includes serrations (Figs. 1-5). The head is attached to the end (Figs. 1-3 and 6-9). The head including a locking slot (43) receiving the strap and interconnecting with the serrations (C. 2, L. 57-67 and C. 3, L. 1-3) and a mounting through hole (73). The mounting through-hole extends in a direction generally coincident with the locking slot (Figs. 6 and 7).

The mounting through-hole has a generally cylindrical shape (Fig. 6).

The elongate strap has a longitudinal extension (Figs. 1-9). The head includes a hinge section (75) allowing hinged movement of the head in a direction transverse to the longitudinal extension (C. 3, L. 22-31 and Figs. 6 and 7).

8. Claims 8-10, 12-14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Villeneuve (US 5,758,390).

A tie (0) comprises a head (2) and an elongated strap (1) having opposing sides and an end (Figs. 1-4). The end is attached to the head and at least one side having at least two longitudinally extending ribs (Figs. 1-4).

The ribs extend a substantial portion of a length of the corresponding side (Fig. 1-4).

The at least two longitudinally extending ribs comprise a plurality of ribs on at least one side and the plurality of ribs are substantially parallel with each other (Figs. 1-4).

A tie (0) comprises an elongate strap (1) and a head (2). The strap has opposing sides, an end and a plurality of serrations (14) (Figs. 1-4). The head is attached to the end (Figs. 1-4). The head includes a locking slot receiving the strap and the locking slot includes opposing walls (Figs. 1-4). Each the wall includes at least one locking tooth (12,13) (Figs. 1-3).

The serrations include one of projections and recesses (Figs. 1-4).

Each the wall include a plurality of locking teeth (Figs. 1-3).

The plurality of locking teeth has a ramped, cantilever beam construction (Figs. 1-3).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Holmes (US 3,461,510), Olewinski et al. (US 5,598,994), British Patent Document GB 2 166 188 A and European Patent Documents EP 0 540 475 A2, EP 583 554 A1 and EP 0 875 466 A1 are cited to show state of the art with respect to ties having a through-hole separated by a hinge from the locking hole to allow rotation of the through-hole with respect to the locking hole.

Geisinger (US 5,193,254) is cited to show state of the art with respect to ties having three ribs on one side.

Fortsch (US 5,317,787) and Georgopoulos et al. (US 5,524,945) are cited to show state of the art with respect to ties having ribs provided with teeth..

Hancock-Bogese et al. (US 5,848,771), Teagno et al. (US 5,884,367), Davignon (US 5,911,368), Nelson et al. (US 6,185,792) and International Patent Document WO 96/18554 are cited to show state of the art with respect to ties allowing insertion and engagement of the elongated strap through any of the two sides of the locking hole.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881.

The examiner can normally be reached on M-F 07:15 - 15:45.

Submissions of your responses by facsimile transmission are encouraged. Technology center 3600's facsimile number for before final communications is (703) 872-9326. Technology center 3600's facsimile number for after final communications is (703) 872-9327. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

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Art Unit: 3677

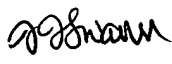
If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

RCR
rcr

April 29, 2003


J. J. SWANN
SUPERVISORY PATENT EXAMINER
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